

1882-050 Chancery Causes. William W. Sage vs. John S. Bailey  
Lee Co.

CA-Debt  
T-Property

-Deed



To the Hon John A. Kelly Judge of the Circuit  
Court of Lee County Virginia

Humbly confessing your Orator William W.  
Sage a citizen of said County of Lee would respectfully  
show unto your Honor that one John S. Bailey who is  
a non resident of the State of Virginia is justly in-  
debted to your Orator in the sum of \$25.44 with legal  
interest thereon from the 9th day of May 1876 till paid  
to show which your Orator will here state that said  
John S. Bailey on the 8th day of May 1876 executed  
and delivered to your Orator his bond dated as the  
day and your last aforesaid, by which he bound himself  
and heirs one day after the date thereof to pay to your Orator  
said sum of \$25.44 for value received which bond  
is herewith filed as a part of this bill marked (A)

Your Orator will here state that the whole of the debt  
incurred and secured by said bond is now due and  
owing to him from said John S. Bailey ~~and~~ no part thereof  
ever having been paid by him, but the same or any part  
thereof to pay to your Orator, the said Bailey has all the  
time refused and doth still refuse to pay the same

Your Orator will again state as he has already done  
that said John S. Bailey is not a resident of the State  
of Virginia, but that he is the owner of a tract or parcel  
of land lying and being in said County of Lee and in  
the Crab Orchard containing 300 acres be the same more or less  
and which is particularly described in the copy of a deed herewith  
filed as a part of this bill marked (B)



Your Orator is advised that this real estate of the said John S. Bailey is liable to him for said debt, and that a court of equity will take cognizance of the case and will apply so much thereof as may be necessary for that purpose, and to attain that end is the object of this Suit. Your Orator therefore prays that the said John S. Bailey be made the defendant to this bill, and be required to answer the allegations on oath, that an order of publication be entered posted and published against him, that an attachment be issued against him for said debt interest and costs and the same be levied on said real estate. And that on a final hearing of the cause a decree be rendered in favor of your Orator against said John S. Bailey for \$25.44 with interest from May the 9<sup>th</sup> 1876 till paid and the costs of suit. And that so much of the said real estate as may be necessary be decreed to be sold to pay said debt interest and costs. And if your Orator is in anywise mistaken in his Special prayer then he prays for all general and particular relief to which he may be entitled. May the Commonwealth of Massachusetts directed &c.

Ayres & Morgan for Plff



On bill of 268 July 1881  
 Hyatt Clerk 4.65 to June 82  
 County Clerk 1.60  
 Atty 15.00  
 Dr. 1.50  
 Dr. 5.00

Estimated \$28.43  
 \$29.19

William W. Sage  
 Bill & Foreign attachment  
 John S. Bailey

1881 June 10<sup>th</sup> Bills filed.  
 " July Spia not executed  
 " August Spia not executed  
 " Sept. Oct & Nov writs.  
 " Nov. 25<sup>th</sup> On Pub.  
 " Dec. writs for On Pub.  
 1882 Jan. On Pub. Connelly & al.  
 " for hearing by County.  
 " March. Writs & Cont'd.  
 1882 Aug. Decree final

Clerk's cast per  
 Dr. Hyatt

H. J. Morgan  
 has paid me in  
 this case 50 cts  
 from Mich.  
 D. S. D. Ely 38c

Henry J. Morgan has this day paid me Thirty four dollars & 77 cents  
 the principal & interest of the within mentioned debt. June 20 1881

William W. Sage

Recd of H. J. Morgan attor &c \$268 my fee.  
 June 20th 1882.  
 Jas W Orr. Cte Clk.



Wm. W. Sage      Peff  
vs.      } In Chancery  
John S. Bailey      Deft.

On the calling of this cause at the present term, the Peff's counsel announced through a paper filed in the cause marked (A.B) that since the last term the debt had fully paid the debt and costs due to the plaintiff at the last term. It is therefore adjudged ordered and decreed that this cause be struck from the docket.

Wm L Sage

as { Docum No 2 final

John S Bailey

Entered Page 268

J. A. G. Hepatt  
' ' ' Clerk

Enter  
J. A. G.  
Sept 4/82



Wm W. Sage

vs.

Jno S. Bailey

This cause came on this day to be heard on the bill of the Plff. and exhibit therewith, and was argued by counsel. On consideration thereof it is adjudged ordered and decreed that the plaintiff recover of the defendant \$25.44 with legal interest thereon from the 8<sup>th</sup> day of May 1876 till paid and the costs of suit, and unless this decree be paid within 30 days after the rising of the court to the Plff. by the deft or some one for him then it is further adjudged ordered and decreed that so much of the 300 acre tract of land in the bill mentioned which has been attached by regular <sup>of attachment</sup> process in this cause, be sold at public outcry <sup>to the highest bidder</sup> at the front door of the court house in Lee County on some court day for cash in hand as will be necessary to pay the same. And Henry J. Morgan is appointed a Special Commissioner to make said sale, but before doing so he will advertise the time terms and place of sale 30 days prior thereto. He will report his action to the court from time to time. But the Plff in order to execute himself to the benefit of this decree is required to enter into bond <sup>before the clerk of this court</sup> with good security in the penalty of <sup>\$150.00</sup> ~~\$500.00~~ with condition to perform such future order as may be made on the appearance of the defendant and his making defence and the cause is continued.



W. W. Sage

vs { Decree No 1

John S. Bailey

Entered Page 242

J. A. Hyatt Clerk

Enter

In A.K.

Apr. 1/82



William W. Sage who is plaintiff in a Chancery  
Suit now pending in the circuit court of Lee County  
against John S. Bailey has this day made Oath  
before me that the claim in which his said Suit is  
founded is just and unpaid, that he verily believes  
that he is entitled to and ought to recover in said  
Suit against said Bailey the sum of \$25.44 with legal  
interest thereon from the 9th day of May 1876 till  
paid, that said Bailey is a non resident of the State  
of Virginia, that he has present cause of action against  
him for said sum of money, and that said Bailey  
is the owner of real estate lying in the County of Lee  
State of Virginia which is liable to be subjected to the  
payment of said claim, and he therefore prays for an  
attachment against said John S. Bailey To the truth  
of these statements I do solemnly swear so help me god.

William W. Sage

Sworn to before me by W. W. Sage

this first day of June 1881.

Henry J. Morgan Clerk in Chancery Court Lee Co.



Wm W. Sage

as { affidavit

John S. Bailey



Wm W. Sage

Peff

vs.

John S. Bailey

Deft.

In Chq

To the Hon John A. Kelly Judge of the Circuit  
Court of Lee Co Va.

The 20th day of June <sup>1882</sup> having been fixed for the sale  
of so much of the defendants land which had been attached  
for the purpose, as would pay the debt decreed the Peff  
at the last Term, and the costs of Suit and Sale. On  
that day the Deft through his agent, paid said debt and  
costs. And the plaintiffs receipts for his debt may be seen  
on the back of said Bill together with the sheriffs and the  
late clerks receipts for their fees, and the said agent settled  
with Mr Hyatt his costs, and with the undersigned for  
their fee in the case.

Respectfully Submitted.

Alfred H. Morgan



Wm. W. Sage

vs. { Reports Showing debt paid

John S. Bailey

Filed July 27 1882

J. A. Hyatt  
Clerk

(AB)





This Deed made this the 25<sup>th</sup> day of March in the year of our Lord one thousand eight hundred and fifty eight between Edmond Witt, and Anna Witt his wife, William Kiefer and Ananias D. Robbins of the county of Lee and State of Virginia. of the one part, and John S. Bailey of the county and State aforesaid of the other part, Witnesseth that for and in consideration of the sum of one thousand dollars in hand paid the receipt whereof is hereby acknowledged the said Edmond Witt and Anna Witt his wife William Kiefer, Ananias D. Robbins doth grant bargain and sell unto the said John S. Bailey a certain tract or parcel of land lying and being in the county of Lee and in the Crabore hands and bounded as follows to wit, on the waters of Coxes Creek, Beginning on the top of the little Black Mountain on the Iron woods thence Southwardly running down the top of the dividing ridge between Coxes Creek and Jones Creek to a chestnut on the top of said ridge thence down said ridge to a Hickory and dogwood standing on the west side of said ridge thence down said ridge to two black oaks on the top of said ridge thence leaving said ridge running Eastwardly to two beeches and Maple standing on the bank of Coxes Creek, thence running down said creek to the deaton line, thence northwardly running with the deaton line to David Garrison's line northwardly running with said line, to the top of said ridge on a Maple and dogwood near the deaton line thence, Northwardly running up said ridge to the top of said Mountain in the open line, thence westwardly running with the open line so as include the first cove to the top of the ridge to James W. Daugherty's Beginning comes to two chestnuts Oaks and Sugar tree on the top of said Mountain



Thence Southwardly running down the said ridge to a white corner in the branch, thence down said branch to a beech sourwood, thence westwardly running to the top of a ridge to chestnut Oak, thence Northwardly running up said ridge to the top of said mountain to two chestnut oaks and white oak, thence westwardly running with the top of said mountain to the Beginning, containing three hundred acres be the same more or less, and the said Edmund Witt, and Anna.

his wife and William Kaffier and Ananias D. Robbins covey-  
nts with the said John S. Bailey that we will warrant  
generally the land hereby conveyed, witness the following  
signatures and seals. And the above mentioned land to stand  
good for one thousand dollars, of the purchase money to  
James P. Legg.

Edmund Witt Seal

William Kaffier Seal

Anna Witt Seal

Lee County to wit. We Justices of the peace for the County  
aforesaid in the State of Virginia, do certify that Edmund  
Witt, being absent from her husband and and William Kaffier  
and Ananias D. Robbins whose names is signed to the writing  
above bearing date on the 25<sup>th</sup> day of March 1858 have  
acknowledged the same before us in our county aforesaid  
Given under our hands,

Ananias D. Robbins J. P.

Hiram W. Reece J. P.

Lee County to wit. We Justices of the peace for the County  
aforesaid in the State of Virginia, do certify that Anna Witt  
being absent from her husband whose name is signed

to the writing above bearing date on the 25<sup>th</sup> day of March  
1858, have acknowledged the same before us in our  
County aforesaid, Given under our hands,

Ananias D. Robbins J. P.

Hiram W. Reece J. P.

Virginia..

At a court of quarter sessions begun and held  
for Lee County at the Court house thereof on Monday  
the day of August 1858.

This Indenture of bargain and sale for Land between  
Edmund Witt and others of the one part, and John S.  
Bailey of the other part was admitted to record upon the  
certificates of two Justices of this County.

Attest.

Teste John R. Gibson Clerk.



John S. Bailey  
True copy of Deed  
Edmond Witt et als.

Recorded In Deed  
Book No 17 Page 542,

Acq'd

Teste J. R. Gibson clk

(B)

Fee for this copy 60¢  
Chgd to W. W. Sage.



Virginia

In the Circuit Court of Lee County Va.

William W. Sage

Pelff

vs.

John S. Bailey

Deft

In Chy Or Foreign

Attachment.

The object of this suit now pending in the circuit court of Lee county is to recover by the Pelff against the debt.

The debt in the Pelff bill mentioned with legal interest thereon from the day of 18 till paid and the costs of this suit and to subject to the payment thereof so much of a certain tract of land belonging to the debt lying and being in said county of Lee and in the Crab Orchard which has been seized on by an order of attachment issued in this cause as will be necessary for that purpose, and the clerk of the county court of said county will record in his deed book this his finders and index the same in the name of the Deft at the suit of the Pelff.

W W Sage by Counsel Agent



W. W. Sage

vs. } Lis Pendens

John S. Bailey

Recorded in DED Book

No. 19 Page 402.

John C. Orr, D.C.

Virginia. Lee County Court Clerk's Office June 27<sup>th</sup> 1881  
The foregoing Lis pendens against John S. Bailey was  
this day admitted to record in my office.

John C. Orr, Clerk.



Know all men by these presents that  
we Wm. W. Sage,

are held and firmly bound  
unto the Commonwealth of Virginia, in  
the just and full sum of

dollars for the payment  
thereof well and truly to be made to the  
said Commonwealth, we bind ourselves  
our heirs, executors and administrators  
jointly and severally, firmly by these  
presents, And we hereby waive the  
benefit of our homestead exemptions  
as to this bond, Witness our hands and  
seals this the 16<sup>th</sup> day of May 1882.

The Condition of the above obligation  
is such that whereas on the            day  
of            1882 the above bound Wm.  
W. Sage obtained a decree in the circuit  
of Lee County at the March term 1882  
for the sum of            and the  
cost of suit against

with legal interest on the principal  
from the            day of            188  
till paid, Now if the plaintiff shall  
abide by and perform all orders and  
decrees which may be made in this  
Cause, upon the appearance of the  
defendant and his making def-  
ense thereto then this obligation



to be null and void, otherwise  
to remain in full force and  
virtue at law.

Seal  
Seal  
Seal

Ann W. Sage  
vs  
John C. Bailey



~~Notice~~

2074

233

2.68

15 20

5805

L 88

5605

Mr. W. Sage

Page 11

W. J.

John S. Bailey

Left

In Charney

Pursuant to a decree of the Circuit Court of Sec County  
rendered in the above styled case on the 1st day of April  
1882 I will offer for sale <sup>for cash in hand</sup> ~~at public~~ <sup>at</sup> the highest  
price to the first bid of the Court House of Sec County on  
the first day of the June term of the Court of said  
County for the year 1882. A portion of the 300 acre tract of  
land in the bill and proceedings mentioned as will pay  
the debt claimed the plaintiff and the costs of suit & sale.  
~~It is said that some one can give for the same~~  
~~and a title is said to be found in hand and costs~~  
~~the residue a credit of~~ ~~circle~~  
~~given with interest from day of sale and purchaser will~~  
~~be required to give bond with approved security for the~~  
~~deferred payment and the title withheld until the full~~  
~~amount is paid~~ The land here offered for sale lies in  
the crab Orchard and on the south side of the Black Mountain  
and the title is believed to be good.

~~Harvey Perry on Maine Coast~~



25.44  
9 33  

---

34.77



One Day after Date I bind my self  
and heirs to pay William, W. Sege twenty  
five Dollars and forty four cents for  
value Received witness my hand and  
seal home sted waived this note was  
given for his Taxes for the year 1870  
this the 9 of May 1876

John S Bailgent



John S  
Bailey  
Note  
\$25.44



Virginia

In the Clerk's Office of the Circuit Court  
of Lee County on Monday the 28<sup>th</sup> day of Novr, 1881.

Wm W. Sage

Plff

vs

John S. Bailey

Def

In Chancery

The object of this suit, is to recover of the Defendant  
the sum of \$25.44, with legal interest thereon from the 9<sup>th</sup>  
day of May 1876, till paid and the costs of this suit,  
and to subject to the payment thereof the Land in the  
bill mentioned, which has been attached for the  
purpose. And it appearing from an affidavit filed  
in the cause, that the Defendant is a non-resident of  
this State. — It is ordered that he appear here  
within one month after due publication of this order,  
and do what is necessary to protect his interest in  
this suit. A Copy, Test:— J. A. Hyatt, Clerk



I certify that on the 19<sup>th</sup> day of Decr. 1881, <sup>that being court day</sup> I posted  
a copy of the within order, at the front door of the  
Court House of Lee County. Given under my hand  
this 20<sup>th</sup> day of Decr 1881. J. H. Hyatt Clerk

Wm. W. Sage  
vs. Dr. Dub.  
John S. Bailey

Copy to Sentinel  
Nov 28<sup>th</sup> 1881.  
J. H. Hyatt  
Clerk



# The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

We command you to summon

*John S. Bailey*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in  
next, being rule, to answer a bill in Chancery, exhibited in our said Court against

*him* *July*

by

*W. W. Sage*

And have then there this writ. Witness JAMES W. Orr, Clerk of our said Court, at the Courthouse, this  
day of *June* 1881, in the 105 year of the Commonwealth.

*10th*

*John C. Orr, Jr.* (Clerk.)



The proper affidavit having been filed in this cause,  
the officer serving this process is ordered to attach the  
estate of the defendant in Lee County, and the same in  
his hands so attached so to secure and provide that the  
same may be forth coming and viable to the future  
order of this court.

John C. Orr D. Clerk

W. W. Sage

vs John W. Elby.

John S. Bailey

vs John W. Elby 1881.

Not executed this

affidavit being

an acknowledgment

from the United S. S.

for the 1st of July 1881.



# The Commonwealth of Virginia.

To The Sheriff of Lee County, Greeting:

We command you to summon

*John S. Bailey*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in  
next, being rule, to answer a bill in Chancery, exhibited in our said Court against

*July*  
*June* by

*W. W. Sage*

And have then there this writ. Witness JAMES W. Orr, Clerk of our said Court, at the Courthouse, this  
day of *June* 1881, in the 105 year of the Commonwealth.

*10th*

*A copy. John C. Orr, D. Clerk.*  
*Teste John C. Orr D. C.*



The proper affidavit having been filed in this cause,  
the officer serving this process is ordered to attach the  
estate of the defendant in Lu county, and the same in  
his hands so attached, so to secure and provide that the  
same may be forthcoming and liable to the future  
order of the court.

A copy. John C. Orr, D.C.  
Weste. John C. Orr, D.C.



# The Commonwealth of Virginia.

<sup>again</sup>  
We command you to summon

To The Sheriff of Lee County, Greeting:

*John S. Bailey*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court House, on the first Monday in *August*  
next, being rule, to answer a bill in Chancery, exhibited in our said Court against *him* by

*Wm W. Sage*

And have then there this writ. Witness *J. A. Hyatt* JAMES W. Orr, Clerk of our said Court, at the Courthouse, this  
day of *July* 1881, in the 10<sup>6</sup> year of the Commonwealth.

*J. A. Hyatt* Clerk.



W. W. Sage.

W. B. Spain chg.

John S. Bailey

Aug. Rules 1881.

On the 29<sup>th</sup> day of July 1881  
I viewed the within Space and  
order of attachment on a  
300 acre tract of land which  
was conveyed by Edmond  
Witt others to the left John  
S. Bailey who is a resident  
out of the state, which land  
lies in Sec 60 in the  
land bounded on the little  
Black Mountain.

James M. D. for

Thomas S. Ealy & Co.

The proper affidavit having been filed in this  
cause, the officer serving this process is ordered to  
attach the estate of the defendant in Lee County, and  
the same in his hands so attached so to secure and  
provide that the same may be forthcoming and  
liable to the future order of the Court.

John A. Hyatt clerk



LETTER-HEADS, CARDS, POSTERS, TAX-LISTS, LEGAL-BLANKS, &C., ON SHORT NOTICE.



# THE SENTINEL,

WM. A. ORR,

CHARLES WILLOUGHBY,

Editor & Proprietor.

Business Manager.

*Democratic* — SUBSCRIPTION, \$1 50 a Year — CIRCULATION, 1,500.

Jonesville, Va., *Jan. 14*, 1882

I hereby certify that the annexed  
Chancery order was printed four suc-  
cessive weeks ending Dec. 23, 1881,  
in the Lee Co. Sentinel, a weekly news-  
paper printed at Jonesville, Va.

Charles Willoughby, Publ.

VIRGINIA:—In the Clerk's Office of the  
Circuit Court of Lee County, the 25th  
day of November, 1881.

W. W. Sage, Plff., vs. John S. Bailey, Def.  
— In Chancery.

The object of this suit is to recover of the  
defendant the sum of \$25.44, with legal inter-  
est thereon from the 9th day of May, 1876,  
till paid, and the costs of this suit, and to sub-  
ject to the payment thereof the lands in the  
bill mentioned, which has been attached for  
the purpose. And it appearing from an affi-  
davit filed in the cause that the defendant is a  
non-resident of the State, it is ordered that he  
appear here within one month after due pub-  
lication of this order, and do what is necessa-  
ry to protect his interest in this suit.

A copy—test: J. A. G. HYATT,  
Dec 21—4w—\$5. Clerk.



W. W. Sage  
V. 3 Pub. Lib.  
Jno. S. Bailey